

IC 20-28-9

Chapter 9. Salary and Related Payments

IC 20-28-9-0.2

Application of certain amendments to prior law

Sec. 0.2. The amendments made to IC 20-6.1-5-14 (before its repeal, now codified at section 20 of this chapter) by P.L.46-1985 do not affect contracts entered into before, and in effect on, July 1, 1986.

As added by P.L.220-2011, SEC.335.

IC 20-28-9-1

Repealed

(Repealed by P.L.48-2011, SEC.39; P.L.286-2013, SEC.89.)

IC 20-28-9-1.5

Teacher's minimum salary; basis

Sec. 1.5. (a) This subsection applies to a contract in effect July 1, 2012, or upon the expiration of a contract in existence on July 1, 2011, whichever is earlier, and governs salary increases for a teacher employed by a school corporation on or after the date this subsection takes effect. Compensation attributable to additional degrees or graduate credits earned before the effective date of the local salary schedule created under this chapter shall continue. Compensation attributable to additional degrees for which a teacher has started course work before July 1, 2011, and completed course work before September 2, 2014, shall also continue.

(b) Increases or increments in a local salary scale must be based upon a combination of the following factors:

(1) A combination of the following factors taken together may account for not more than thirty-three percent (33%) of the calculation used to determine a teacher's increase or increment:

(A) The number of years of a teacher's experience.

(B) The attainment of either:

(i) additional content area degrees beyond the requirements for employment; or

(ii) additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under IC 20-29.

(2) The results of an evaluation conducted under IC 20-28-11.5.

(3) The assignment of instructional leadership roles, including the responsibility for conducting evaluations under IC 20-28-11.5.

(4) The academic needs of students in the school corporation.

(c) A teacher rated ineffective or improvement necessary under IC 20-28-11.5 may not receive any raise or increment for the following year if the teacher's employment contract is continued. The amount that would otherwise have been allocated for the salary increase of teachers rated ineffective or improvement necessary shall be allocated for compensation of all teachers rated effective and

highly effective based on the criteria in subsection (b).

(d) A teacher who does not receive a raise or increment under subsection (c) may file a request with the superintendent or superintendent's designee not later than five (5) days after receiving notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the superintendent or superintendent's designee.

(e) Not later than January 31, 2012, the department shall publish a model salary schedule that a school corporation may adopt.

(f) Each school corporation shall submit its local salary schedule to the department. The department shall publish the local salary schedules on the department's Internet web site.

(g) The department shall report any noncompliance with this section to the state board.

(h) The state board shall take appropriate action to ensure compliance with this section.

(i) This chapter may not be construed to require or allow a school corporation to decrease the salary of any teacher below the salary the teacher was earning on or before July 1, 2012, if that decrease would be made solely to conform to the new salary scale.

(j) After June 30, 2011, all rights, duties, or obligations established under IC 20-28-9-1 before its repeal are considered rights, duties, or obligations under this section.

As added by P.L.286-2013, SEC.90.

IC 20-28-9-2

Repealed

(Repealed by P.L.48-2011, SEC.39; P.L.90-2011, SEC.50.)

IC 20-28-9-3

Repealed

(Repealed by P.L.48-2011, SEC.39; P.L.90-2011, SEC.50.)

IC 20-28-9-4

Repealed

(Repealed by P.L.48-2011, SEC.39; P.L.90-2011, SEC.50.)

IC 20-28-9-5

Computation of annual salary of teacher or distribution of state funds; rounding to nearest dollar

Sec. 5. In computing the annual salary of a teacher or when distributing state funds, an amount of less than fifty cents (\$0.50) is dropped while an amount of fifty cents (\$0.50) or more is rounded up to the next whole dollar.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-6

Substitute teachers; wages; no written contract required

Sec. 6. (a) The governing body shall fix wages for substitute teachers.

(b) A substitute teacher may be engaged without a written contract.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-7

Substitute teachers; certain licenses; pay schedule

Sec. 7. (a) An individual who:

(1) holds:

(A) a professional license;

(B) a provisional license;

(C) a limited license; or

(D) an equivalent license issued by the department; and

(2) serves as an occasional substitute teacher;

shall be compensated on the pay schedule for substitutes of the school corporation the individual serves.

(b) An individual who:

(1) holds a:

(A) professional license; or

(B) provisional license; and

(2) serves as a substitute teacher in the same teaching position for more than fifteen (15) consecutive school days;

shall be compensated on the regular pay schedule for teachers of the school corporation the individual serves.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.168.

IC 20-28-9-8

Substitute teacher with substitute license; compensation schedule

Sec. 8. An individual who holds a substitute license shall be compensated on the pay schedule for substitutes of the school corporation the individual serves.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-9

Teacher absence from work with pay; accumulated unused days

Sec. 9. (a) Each teacher may be absent from work with pay:

(1) on account of illness or quarantine for ten (10) days the first year and seven (7) days in each succeeding year (referred to as "sick days" in this chapter); and

(2) for death in the teacher's immediate family for a period extending not more than five (5) days beyond the death.

(b) If the teacher does not use all the teacher's sick days in a school year, the unused days accumulate up to a total of ninety (90) days. However, each teacher shall be credited with the accumulative days accrued to the teacher on January 1, 1966.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-10

Teacher with at least one accumulated sick day; employment by another school corporation

Sec. 10. (a) This section applies whenever a teacher accumulates at least one (1) sick day and then is employed in another school corporation.

(b) Beginning in the teacher's second year, the teacher's employer shall add up to three (3) sick days each year to the number of sick days to which the teacher is entitled under section 9(a) of this chapter until the accumulated sick days to which the teacher was entitled in the teacher's last employment are exhausted.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-11

Teacher absence from work with pay; agreement between school employer and exclusive representative

Sec. 11. Absences that are not described in sections 9 through 10 of this chapter may be taken with pay when agreed on by the school employer and the exclusive representative under IC 20-29.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-12

Adoption of regulations by school corporation governing payment or part payment of teachers; conditions

Sec. 12. A school corporation may adopt regulations governing the payment or part payment of teachers and then make payments in accordance with those regulations to teachers who are absent because of:

- (1) sickness;
- (2) attending school conventions or meetings;
- (3) visiting other schools; or
- (4) a death in the immediate family.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-13

Voluntary sick day bank

Sec. 13. A school corporation may establish a voluntary sick day bank:

- (1) to which a teacher may contribute unused sick days; and
- (2) from which a contributing teacher may draw sick days when the contributing teacher's accumulated sick days are exhausted.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-14

Teacher personal days

Sec. 14. Each teacher may have at least two (2) days each year with pay for the transaction of personal business or the conduct of personal or civic affairs. The teacher shall submit to the superintendent a written statement describing the reason and necessity for the absence.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-15

Teacher payment when school is closed

Sec. 15. If during the term of the teacher's contract:

(1) the school is closed by order of the:

(A) school corporation; or

(B) health authorities; or

(2) school cannot be conducted through no fault of the teacher; the teacher shall receive regular payments during that time. If a canceled student instructional day (as defined in IC 20-30-2-2) is rescheduled to comply with IC 20-30-2, each teacher and (notwithstanding IC 20-27-8-7) each school bus driver shall work on that rescheduled day without additional compensation.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-16**School closure for Christmas holidays; no payment of teachers' salaries; length of school term**

Sec. 16. A school may be closed for up to two (2) weeks for Christmas holidays without payment of teachers' salaries. Closing the school for Christmas holidays does not shorten the length of the school term.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-17**Teacher payment for Saturdays**

Sec. 17. The governing body of a school city may pay the salary of teachers for Saturdays in addition to the other days that school is in session.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-18**Salary deductions**

Sec. 18. (a) Upon a teacher's written request, a governing body shall withhold the requested amount of money from the salary of the teacher for a purpose described in subsection (c).

(b) Upon a written request from a beneficiary of the Indiana state teachers' retirement fund, a governing body may receive a given amount of money for a purpose described in subsection (c).

(c) The governing body shall hold the amounts described in subsections (a) and (b) and pay the amounts, as requested by the teacher or the beneficiary, to an insurance company or other agency or organization in Indiana that provides, extends, supervises, or pays for:

(1) insurance or other protection; or

(2) the establishment of or payment on an annuity account; for the teacher. If a dividend accrues on a policy, the dividend shall be paid or credited to the teacher.

(d) If less than twenty percent (20%) of the teachers employed by a governing body request payment of the amounts described in subsection (c) to a single recipient, withholding the amounts of money for insurance, dues, or other purposes is discretionary with

the governing body.
As added by P.L.1-2005, SEC.12.

IC 20-28-9-19

Retirement, savings, or severance pay plan

Sec. 19. (a) If a governing body of a school corporation agrees to a retirement, savings, or severance pay plan with a teacher or with an exclusive representative under IC 20-29, the benefits may be paid to:

- (1) the teacher who is eligible under a negotiated retirement, savings, or severance pay plan; or
- (2) in the case of the teacher's death:
 - (A) the teacher's designated beneficiary; or
 - (B) the teacher's estate, if there is no designated beneficiary.

Payments may be made in a lump sum or in installments as agreed upon by the parties or to a savings plan established under IC 5-10-1.1-1(2).

(b) Notwithstanding IC 6-1.1-20, the payments under this section shall be made from the general fund of the school corporation and may be made for a period exceeding one (1) year.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-20

Participation in health insurance plan upon retirement

Sec. 20. A teacher who is employed by a school corporation that provides a health insurance plan for its employees may participate in the health insurance plan upon retirement under IC 5-10-8.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-21

Suspension of teacher without pay; reasons

Sec. 21. (a) This section and sections 22 through 23 of this chapter apply to the suspension of a teacher without pay when the procedure for the cancellation of the teacher's contract under IC 20-28-7.5 does not apply.

(b) A teacher may be suspended from duty without pay only for the following reasons:

- (1) Immorality.
- (2) Insubordination, which means the willful refusal to obey the state school laws or reasonable rules prescribed for the government of the school corporation.
- (3) Neglect of duty.
- (4) Substantial inability to perform teaching duties.
- (5) Good and just cause.

As added by P.L.1-2005, SEC.12. Amended by P.L.90-2011, SEC.33.

IC 20-28-9-22

Suspension of teacher without pay; procedure

Sec. 22. A teacher may be suspended without pay only under the following procedure:

- (1) The teacher must be notified in writing not more than forty

(40) days and not less than thirty (30) days before the date of the consideration of the date, time, and place for the consideration by the school corporation of the suspension of the teacher without pay.

(2) The teacher shall be furnished, not later than five (5) days after a written request, a written statement of the reasons for the consideration.

(3) The teacher may file a written request for a hearing not later than fifteen (15) days after receipt of the notice of this consideration.

(4) If a request for a hearing is filed, the teacher must be given a hearing before the governing body on a day not earlier than five (5) days after filing the request.

(5) The teacher must be given at least five (5) days notice of the date, time, and place of the hearing.

(6) At the hearing, the teacher is entitled:

(A) to a full statement of the reasons for the proposed suspension without pay; and

(B) to be heard and to present the testimony of witnesses and other evidence bearing on the reasons for the proposed suspension without pay.

(7) A teacher may not be suspended without pay until:

(A) the date is set for consideration of the suspension without pay;

(B) after a hearing is held, if a hearing is requested by the teacher; and

(C) except on the suspension of a superintendent's contract, the superintendent has given recommendations on the suspension not later than five (5) days after the school corporation makes the request for recommendations.

(8) After complying with this section, the governing body of the school corporation may suspend a teacher without pay for a reasonable time by a majority vote evidenced by a signed statement in the minutes of the board.

The vote to suspend a teacher without pay described in subdivision (8) must be taken by the governing body on the date and at the time and place specified in subdivision (1).

As added by P.L.1-2005, SEC.12.

IC 20-28-9-23

Hearing regarding suspension of teacher without pay; subpoenas

Sec. 23. The governing body may appoint an agent (who is not an employee of the school corporation but who may be a member of the governing body or an attorney retained to administer the hearing proceedings under this section) to issue subpoenas for the attendance of witnesses for either party at the hearing under section 22 of this chapter. A subpoena issued under this section shall be:

(1) served by the party who seeks to compel the attendance of a witness; and

(2) upon application to the court by the party, enforced in the

manner provided by law for the service and enforcement of subpoenas in a civil action.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-24

Examination for teacher licensure; furnishing of test scores

Sec. 24. (a) This section applies to an examination that is required for teacher licensure under this chapter.

(b) If an individual does not demonstrate the level of proficiency required to receive a license on all or a part of an examination, the examination's scorer must provide the individual with the individual's test scores, including subscores for each area tested.

As added by P.L.1-2005, SEC.12.